

Member Novey commended Deputy Director Mary Walton-Simons for her contributions to the CUIAB.

6. Chief Administrative Law Judge/Executive Director's Report:

Chief ALJ/Executive Director Jay Arcellana reported that he and Chair Thornton have had several meetings with the Labor Agency regarding budget matters. The CUIAB should not be substantially affected under the Governor's Budget as currently proposed.

However, all state agencies have been instructed by Executive Order to reduce travel by 35%. CUIAB has been able to reduce its travel by 48%, even while maintaining ALJ travel for hearings.

CUIAB is currently pursuing blanket exemptions from both the personnel and travel restrictions. The restrictions are significantly affecting CUIAB operations and individual employees. One example of this is the fact that there are three offices which are operating with acting supervisors because most employee transactions have been frozen.

7. Branch Reports:

a. Chief ALJ/Executive Director Jay Arcellana reported that the workload in the Field has dropped off slightly, with December 2003 the fourth lowest month of the year for new appeals. Verifications and dispositions were both approximately 22,000.

For the 2003 calendar year the Field registered 283,000 cases, excluding multis. This represented a 5% increase over 2002 and a 26% increase over 2001. During 2003, the Field disposed of 278,211 cases, 6% more than in 2002 and 27% greater than in 2001. The balance of open cases in 2003 increased 2% over 2002, 12% over 2001 and 46% over 2000. The increase in production took place with the same staffing levels as the Field had in 2000. Chief ALJ/Executive Director Arcellana commended the staff for their dedication and hard work.

Chief ALJ/Executive Director Arcellana further reported that the open balance of DI cases fell 19% to its lowest level in four years. This was the result of a decision to liquidate DI cases at the same rate as UI cases. This was done to provide equity and fairness for DI claimants.

Chief ALJ/Executive Director Arcellana reported on the status of two trade disputes in the Field. In the Metropolitan Transit Authority trade dispute 623 files have been received to date. The Employment Development Department (EDD) projects this case may involve up to 7,500 claimants.

In the United Food and Commercial Workers (Grocery) trade dispute the CUIAB has 5,973 files to date. EDD has projected there could be as many as 70,000 claimants involved in this trade dispute. Program & Planning Management Division's verification task force may be assigned to help verify these cases.

Inglewood Presiding ALJ Gil Knipe has been assigned to hear the Grocery case. PALJ Knipe has valuable experience in large trade dispute cases, and has demonstrated the ability to handle these kinds of cases skillfully and effectively. Although this case involves prominent issues and will draw a lot of media attention, it is important that the Board not sacrifice resources in addressing the trade dispute, to the detriment of other UI claimants and employers.

Chief ALJ/Executive Director Arcellana commented upon the passing of retired Los Angeles Office Technician Charles Thomas, noting that Charles meant a lot to the CUIAB and will be missed.

Finally, Chief ALJ/Executive Director Arcellana thanked staff for responding on short notice to put together a briefing paper for Members Maviglio and Richardson to help them with their confirmation hearings.

Member Richardson thanked Chief ALJ/Executive Director Arcellana and staff for the briefing document, stating that it was very helpful.

Chair Thornton asked Chief ALJ/Executive Director Arcellana for numbers on the case backlog. Chief ALJ/Executive Director Arcellana responded that he did not have the numbers with him, that he would provide them, and further that the open balance of cases had increased 2% over 2002, and 12% and 46% over 2001 and 2000 respectively.

b. Deputy Chief ALJ Krebs, Appellate Operations Branch, reported Appellate Operations registered 1,633 cases in December and disposed of 1,672. Dispositions were 9% above the calendar year average. All three time lapse measures in December were achieved.

Deputy Chief ALJ Krebs also reported that AO registered 18,703 cases and disposed of 18,457 cases, representing a 16.5% increase in dispositions over 2002. Currently there are 2,245 open cases in AO's inventory.

c. Deputy Director Pam Boston reported that the XP upgrade has been completed in all facilities, and DSL has been installed for the new Board Members. In addition, the remodel of the training room on the fourth floor of the Venture Oaks building has been completed.

Other improvements scheduled include an upgrade in the security in the San Jose Office of Appeals and the Venture Oaks Office. These upgrades will require issuance of new employee badges.

Finally, Deputy Director Boston reported that the ALJ I examination has been finalized, and examinations for SSM I, SSM II, and AGPA classes are scheduled to take place in the next month.

d. Deputy Director Mary Walton-Simons reported that the Federal Department of Labor's pilot project for case aging began in January. California and five other

states are participating in the project which will run through September 2004. The purpose of the project is to examine the feasibility of replacing the current 30/45/90-day time lapse standards with a new appeals time standard that more accurately measures a state's performance.

Deputy Director Walton-Simons further reported that P&PM continues to provide the field with assistance in verification of cases. In addition, P&PM conducted supervisor training in the San Jose Office, with Oxnard and Inglewood Offices scheduled next. Finally, the state language survey is currently underway.

In response to questions by Chair Thornton about the case aging project, Chief ALJ/Executive Director Arcellana stated that California has long urged DOL to move to case aging, because it a fairer measure for the larger states like California, and not as susceptible to manipulation as the time lapse standard.

8. Chief Counsel's Report:

Chief Counsel Ralph Hilton reported that each Board Member reviewed approximately 450 cases in December, down somewhat from the prior month, thanks in large part to the new Board Members helping to share the load. Additionally, in looking at the yearly total of cases for the Board, 2003 represented a significant increase in the Board's workload, up by approximately 2500 cases over the prior year. In litigation, there were seven new cases filed against the Board, and three cases were closed, with the CUIAB prevailing in all three.

Chief Counsel Hilton reported on Assembly Bill 556, a bill that would suspend the salaries of all State board members, including those of the CUIAB, for three years. Instead of a salary, under AB 556 a Board Member would receive only \$100 per diem above and beyond actual expenses for Board meetings. This bill was introduced in April 2003, but did not get out of committee. Since the end of January is the deadline for action on a bill to pass through the Legislature during the current session, it was again put up for vote in the Assembly Committee on Business and Professions and failed passage.

Chief Counsel Ralph Hilton also thanked Member Medearis for bringing to his attention a recently-issued Attorney General opinion interpreting the Bagley-Keene Open Meeting Act. The opinion states that Board members may not disclose discussions in closed sessions even to their own appointing authority.

In response to Board Member inquiry, Chief Counsel Hilton commented on a constitutional initiative regarding openness in government, stating that its primary impact would be to shift the burden of proof to government with regard to one of the principal exceptions under the access provisions of the Public Records Act, that in which the public benefit of disclosure is weighed against the state's need for confidentiality.

9. New Business

a. Bilingual Program Update and Language Survey, presented by Martha Silva—see Attachment A.

b. New Procurement Laws Presentation, presented by Pat Houston—see Attachment B.

10. Public Comment:

Member Richardson took the opportunity to express her gratitude for the excellent training provided to her and other new Board Members, specifically identifying ALJ Nancy Kirk who coordinates the training.

11. Closed Session:

The regularly scheduled Board meeting adjourned, and the Board entered into closed session. No votes were taken on any matters in closed session.

Bilingual Services Program



California

Unemployment Insurance Appeals Board

The Dymally-Alatorre Bilingual Services Act (Act)

Government Code Section 7290-7299.8 was enacted to provide effective communication between all levels of government in the state and the people of the state who are precluded from utilizing public services because of language barriers. The Act requires agencies providing information or rendering services to non-English speaking individuals to:

- Employ a sufficient number of qualified bilingual staff in public contact positions.
- Perform a biennial statewide language survey and take necessary action to correct any deficiencies.
- Develop an Implementation Plan that explains the agency's bilingual services program.
- Appoint a bilingual services coordinator to oversee the agency's compliance of the Act.

Certified Bilingual Staff

- CUIAB has **84** certified bilingual employees statewide (including judges and support staff)

77

Spanish

3

Vietnamese

1

Tagalog

1

Mandarin

1

Cantonese

1

Hindi

Statewide Bilingual Contacts

- To ensure that no one is ever turned away for service due to a language barrier, we implemented a new procedure in October 2003 wherein we made statewide certified bilingual staff who receive bilingual pay available by phone to any office to provide assistance to limited-English proficient clientele.

Formal Resolution Process



STATE OF CALIFORNIA – GOVERNOR ARNOLD SCHWARZENEGGER
LABOR AND WORKFORCE DEVELOPMENT AGENCY
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

CUIAB Language/Communication Assistance Resolution Process

If you feel your needs have not been met because of language (limited-English proficiency) or other communication differences, CUIAB will provide additional language or communication assistance to help you obtain the information or services you have requested.

Please take the following steps if you need assistance.

Call our Bilingual Services Coordinator, Martha E. Silva, at (619) 521-3346. She will make every effort to assist you.

Or, you may submit your concerns in writing and mail them to:

California Unemployment Insurance Appeals Board
Attn: Martha E. Silva
3517 Camino Del Rio South, Suite 310
San Diego, CA 92108

Please provide the following information:

1. Your name, case number, address, and telephone number (or message number).
2. Date service was sought and location of service.
3. Description of the service sought by you.

CUIAB will attempt to resolve your concern within five (5) business days upon receipt.

Proposed Revision to Appeals Board Policy Statement No. 21 Statewide Language Policy

(Page two, fifth bullet)

- Current
 - All interpreters utilized by the Board are qualified interpreters and agree to adhere to rules of professional conduct.
- Proposed Revision
 - All interpreters utilized by the Board are *either state certified or provisionally qualified* interpreters who adhere to rules of professional conduct.

Languages Served in FY 02/03

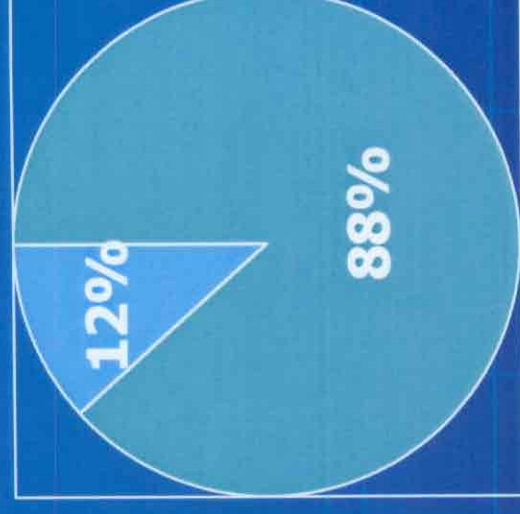
- Field Operations disposed of 271,588 cases

- 31,383 cases were scheduled with an interpreter

- CUIAB provided interpreters for 67 languages

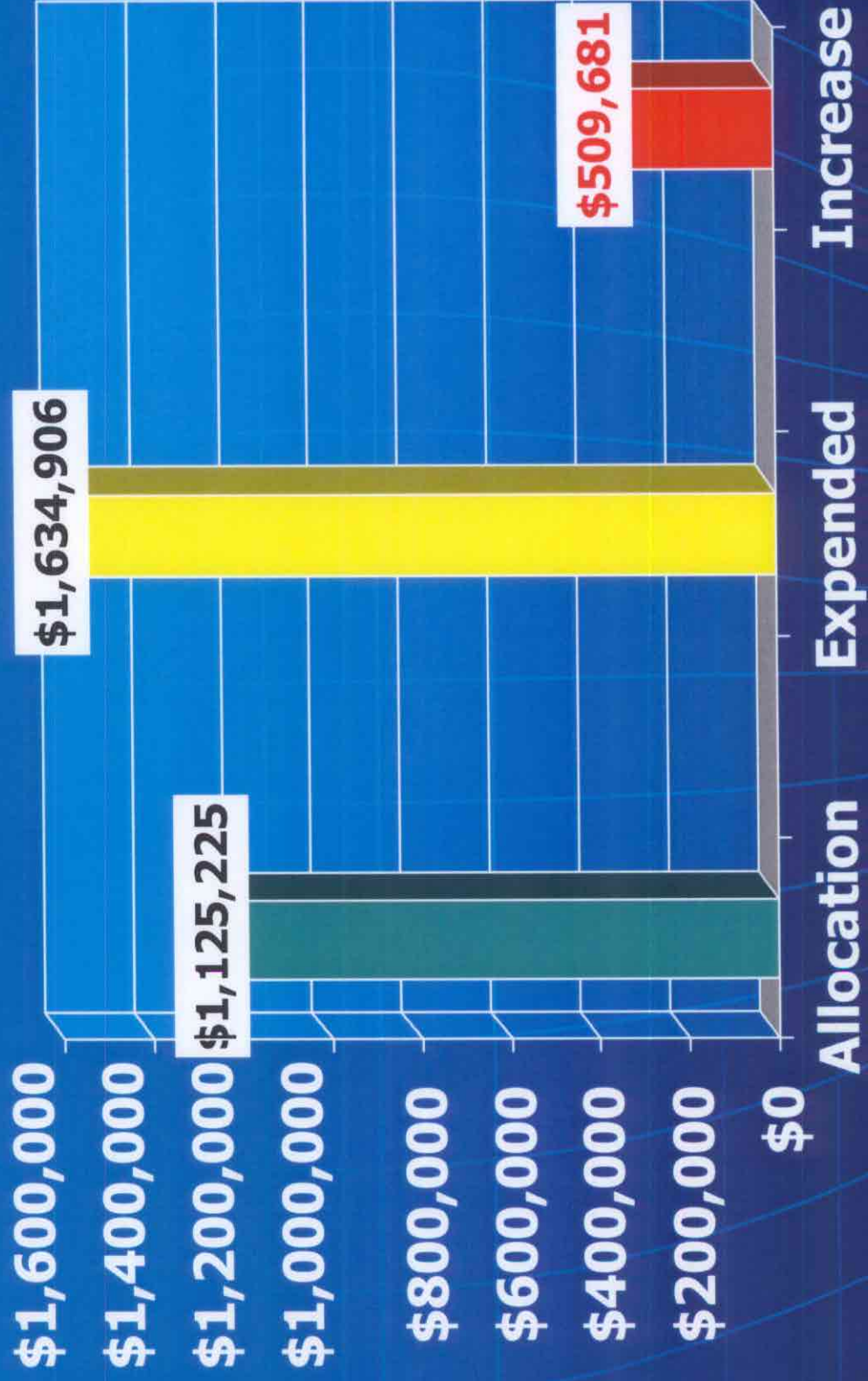
- Top five non-English languages served:

• Spanish	80%
• Vietnamese	7%
• Cantonese	3%
• Tagalog	2%
• Mandarin	1%

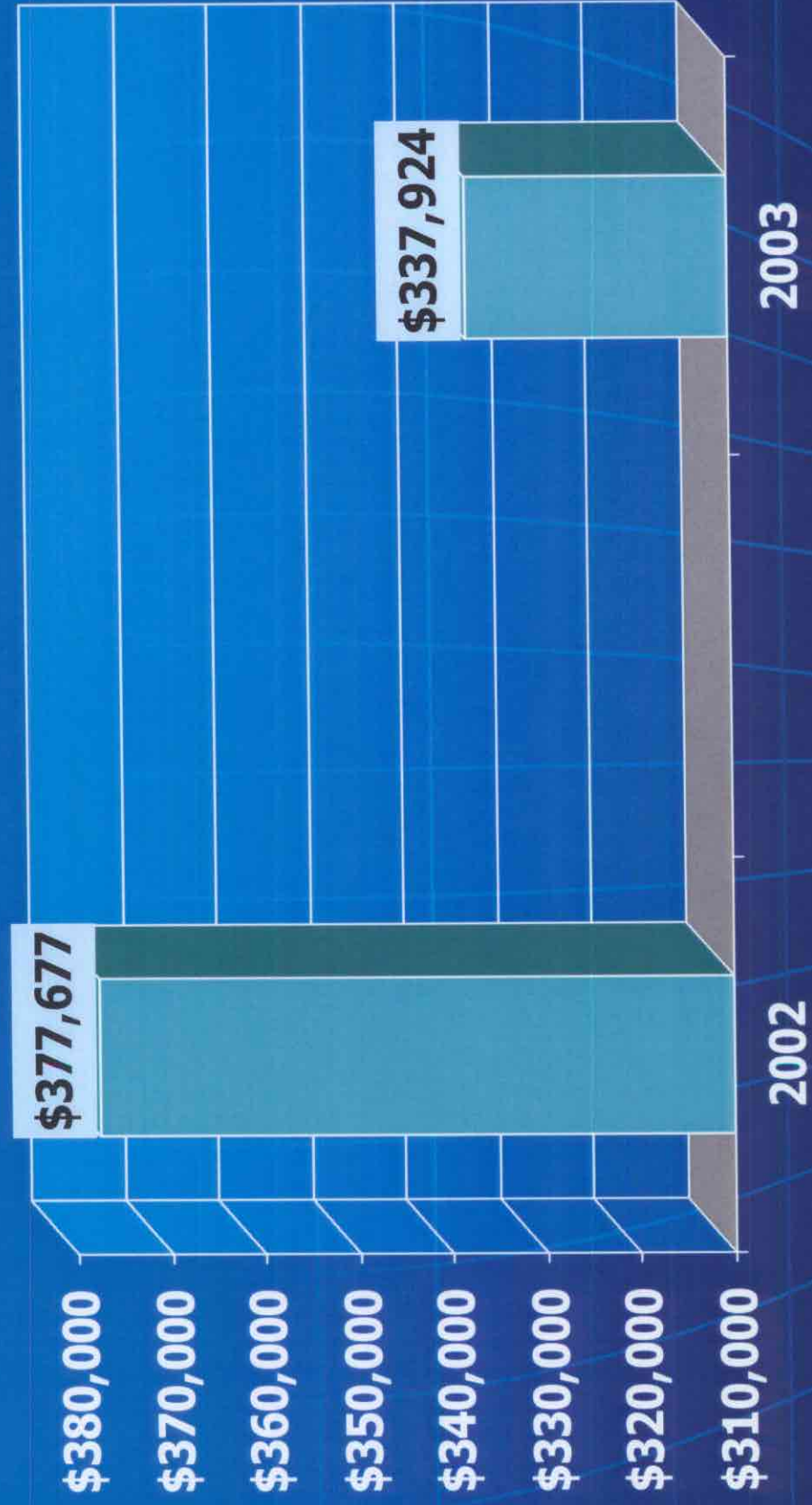


English Only Interpreter Cases

FY 02/03 Cost of Interpreters



Interpreter Cost Comparison Fourth Quarter 2002 vs. 2003



Training for Interpreters

- Overview of CUIAB hearing process
- CUIAB forms and terminology
- Translated glossaries:
 - Chinese
 - Laotian
 - Spanish
 - Tagalog
 - Vietnamese
- Interpreter protocol
- How to review a file

(245 interpreters have attended training)

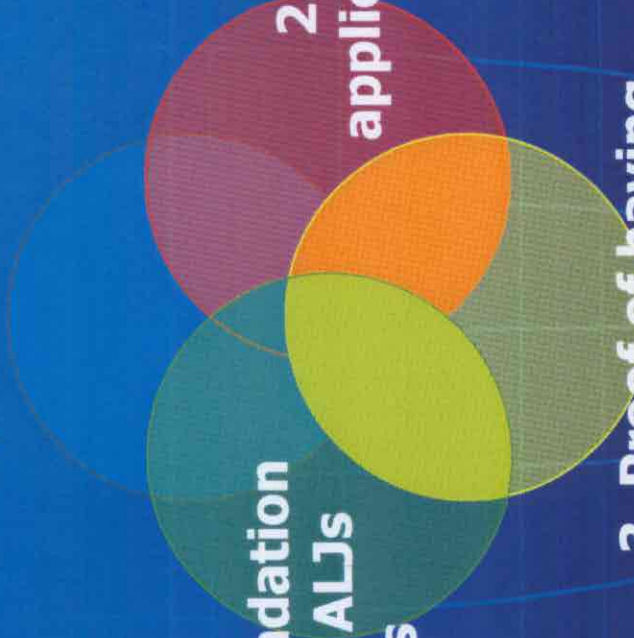
Requirements for CUIAB Interpreter Provisional Qualification

**1. Attendance of
interpreter training**

**4. Favorable recommendation
by Presiding ALJ and ALJs
provided services**

**2. Completion of an
application and declaration**

**3. Proof of having
interpreted a minimum of
ten CUIAB hearings in
last 12 months**



Training for Bilingual Support Staff

- Public contact
 - Do's and Don'ts
- CUIAB hearing procedures
- Translations

Training for Judges

- Full overview of CUIAB's bilingual services program
- Overview of training given to interpreters
- 8 tip handout to assist ALJs in getting the most effective interpreter service at CUIAB hearings
- Legal requirements for using interpreters at hearings
- Discussions of issues that may arise during hearings with interpreters

Thank you!



New Procurement Laws

Goals of Recommendations

- Recommendations are designed to strengthen the contracting and procurement processes
- Open competition
- Ensure integrity of the system

Recommendation 2

- Prohibits purchasing large scale IT projects using the California Multiple Award Schedule (CMAS) and Master Agreement programs.
- Impact to CUIAB: Limits purchases to \$500,000.

Recommendation 3

- Requires state agencies to obtain three price quotes.
- Impact to CUIAB: Redirected the purchasing of office supplies to the Business Services Procurement Unit from the field offices.

Recommendation 5

- Random audits or compliance reviews of contracting and procurement transactions.
- Impact to CUIAB: Compliance review scheduled for January 27 – January 28, 2004.

Recommendation 8

- Comprehensive training
- Certificate program – CSU
- Link signature authority to level of training and expertise.
- Impact to CUIAB: Procurement staff to successfully complete 100 hours of instruction.

Recommendation 9

- Adopt clear standards of conduct for contracting and procurement staff.
- Violators will be subject to disciplinary action, including the possibility of dismissal.
- Impact to CUIAB: No impact.

Recommendation 13

- Establish a single point of entry for all contracts and procurements.
- Track transactions executed by state agencies.
- Impact to CUIAB: State Contract and Procurement Registration System (SCPRS) tracks major acquisitions and allows insight to what other agencies are purchasing.

Recommendation 18

- Designate a single official responsible for procurement and contracting within the agency.
- Impact to CUIIAB: Designate a Procurement and Contracts Officer (PCO).